

There being no objection, the Senate proceeded to consider the concurrent resolution.

#### ARNOLD "RED" AUERBACH

Mr. KENNEDY. Mr. President, today, we pay special tribute to a giant of sports in Massachusetts we are proud to call our own. I was honored to speak at his memorial service in Boston, and I am honored today to offer this resolution on the one and only Arnold "Red" Auerbach, who died in October at the age of 89.

Red was a pioneer in sports and in civil rights as well. He has been widely praised as one of the architects of the new Boston. He will never be forgotten—and there will never be another like him.

Basketball was his sport, and the Celtics he led with the legendary Bob Cousy and incomparable Bill Russell set the gold standard for the NBA for many years and transformed his city as well as his sport.

The stories of his competitive drive have become legendary. Red had a deep and abiding passion for life and for living each day as if it was a gift from above. Whenever you were in his presence, you could sense the powerful joy that comes to the rare few like Red Auerbach, who know they have done everything possible in every way on every day to achieve their dream.

Red Auerbach was a great coach and also a great man. He believed in winning, but he also believed that every individual should have the chance to be a winner. In the 1950s, before every Celtics game Red would invite a few children to play a brief game of basketball, complete with uniforms, official referees, and all the rest on the famous Boston Garden parquet floor. One player would be from the CYO, one from Chinatown, one from Roxbury, and one from the Young Men's Hebrew Association.

Long before anyone ever dreamed of it, Red had created his own "Rainbow Coalition," and he continued to champion civil rights all his life. He was the first to go overseas with American players to teach basketball to children in Europe and Asia, and he deserves immense credit for making it the international game it is today.

But his heart was in Boston, where he single-handedly put basketball on the map. He created the famous Celtic "magic & mystique," and renewed it year after year with exciting basketball. In the end, he led the Celtics to 9 world championships as coach—8 in a row and 16 world championships altogether. He was voted greatest coach of all time by the Professional Basketball Writers of America.

Few giants in the world are known by one name—Cher, Madonna, Elvis, Bono, and our very own "Red." He will be greatly missed and never forgotten, and his record of success will probably never be matched anywhere.

It is an honor to urge my colleagues in the Senate to support this resolution.

Even if you rooted against the Celtics, Red Auerbach made your home team great, too.

Mr. KERRY. Mr. President, I want to express my thanks to all of my colleagues for adopting this resolution to honor the memory of Boston's greatest sports champion and legend, Arnold "Red" Auerbach. Plain and simple, Red Auerbach was basketball. He was more than just the greatest NBA coach of all time; he was the creator of the modern professional game.

Through the selection of the likes of Cousy, Russell, Havlicek, and Bird, Red built the greatest basketball dynasty in history. During two decades of coaching, Red Auerbach won 938 games and led the Boston Celtics to a record 9 National Basketball Association, NBA, championship titles. He was inducted into the Basketball Hall of Fame twice, once for his coaching and once for his contributions to the game. In 1980, Red was voted the greatest coach in NBA history by the Professional Basketball Writers Association of America. Fourteen of Red's players have been inducted into the Basketball Hall of Fame. After moving to the Celtics front office in 1966, Red's knowledge of basketball was instrumental in helping the Celtics win seven additional NBA titles.

In 1985, a life-size sculpture of Red Auerbach was placed in Boston's historic Faneuil Hall Marketplace to honor Red's contributions to the Boston Celtics and the city of Boston.

Most importantly, Red was known as a visionary and for his fierce loyalty to the people who worked for the Boston Celtics. From the players, to the coaches, to the ball boys, Red recognized the goodness in people and brought out the greatness in everyone he touched. He was an agent of change, hiring the first African-American coach in all of pro sports and drafting the league's first African-American player.

Red will be forever remembered as Boston's greatest winner on the court, but through the Red Auerbach Youth Foundation, he made a difference in thousands of young lives throughout Massachusetts. Red's foundation focuses on getting children, who would not otherwise participate, involved in sports and to bring children of all racial and ethnic backgrounds together through sports.

Red was also a proud Navy man. The values of honor, commitment, and integrity that Red brought to his coaching were also taught in the Navy where he served so proudly. The Navy's "Lone Sailor Award," which he recently received, will sit in a special place of honor in this giant's trophy case along with an awe inspiring number of championship trophies.

My thoughts and prayers go out to his children, Randy and Nancy, and his granddaughter Julie during this very difficult time. We take comfort knowing he is once again in the arms of his beloved Dot. While we may never again

catch a whiff of that unforgettable cigar smoke or see him shake his rolled up program at a bad call by an official again, we will never forget the man who taught us how to win again and inspired a city to be champions. Boston—indeed America—lost one of its finest with Red's passing. And I am so pleased that the U.S. Senate is honoring his life today by passing this resolution.

Mr. DEWINE. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 497) was agreed to.

The preamble was agreed to.

#### AMENDING THE CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION ACT

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 623, S. 1535.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1535) to amend the Cheyenne River Sioux Tribe Equitable Compensation Amendments Act to provide compensation to members of the Cheyenne River Sioux Tribe for damage resulting from the Oahe Dam and Reservoir Project, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2006".*

##### SEC. 2. FINDINGS.

(a) FINDINGS.—Congress finds that—

(1) the Pick-Sloan Missouri River Basin program, authorized by section 9 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 891), was intended to promote the general economic development of the United States;

(2) the Oahe Dam and Reservoir Project—

(A) is a major component of the Pick-Sloan Missouri River Basin program; and

(B) contributes to the national economy;

(3) the Oahe Dam and Reservoir Project flooded the fertile bottom land of the Cheyenne River Sioux Reservation, which greatly damaged the economy and cultural resources of the Cheyenne River Sioux Tribe and caused the loss of many homes and communities of members of the Tribe;

(4) Congress has provided compensation to several Indian tribes, including the Cheyenne River Sioux Tribe, that border the Missouri River and suffered injury as a result of 1 or more of the Pick-Sloan projects;

(5) on determining that the compensation paid to the Cheyenne River Sioux Tribe was inadequate, Congress enacted the Cheyenne River Sioux Tribe Equitable Compensation Act (Public Law 106-511; 114 Stat. 2365), which created the Cheyenne River Sioux Tribal Recovery Trust Fund; and

(6) that Act did not provide for additional compensation to members of the Cheyenne River Sioux Tribe that lost land as a result of the Oahe Dam and Reservoir Project.

(b) PURPOSES.—The purposes of this Act are—  
 (1) to provide that the Cheyenne River Sioux Tribal Recovery Trust Fund may be used to provide compensation to members of the Cheyenne River Sioux Tribe that lost land as a result of the Oahe Dam and Reservoir Project; and

(2) to provide for the capitalization of the Cheyenne River Sioux Tribal Recovery Trust Fund.

### SEC. 3. CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION.

(a) FINDINGS AND PURPOSES.—Section 102 of the Cheyenne River Sioux Tribe Equitable Compensation Act (Public Law 106-511; 114 Stat. 2365) is amended—

(1) in subsection (a)(3), by striking subparagraphs (A) and (B) and inserting the following: “(A) the United States did not justly or fairly compensate the Tribe and member landowners for the Oahe Dam and Reservoir project, under which the United States acquired 104,492 acres of land of the Tribe and member landowners; and

“(B) the Tribe and member landowners should be adequately compensated for that land.”; and  
 (2) in subsection (b)(1), by inserting “and member landowners” after “Tribe” each place it appears.

(b) DEFINITIONS.—Section 103 of the Cheyenne River Sioux Tribe Equitable Compensation Act (Public Law 106-511; 114 Stat. 2365) is amended—

(1) by redesignating paragraph (1) as paragraph (3) and moving the paragraph so as to appear after paragraph (2); and

(2) by inserting before paragraph (2) the following:

“(1) MEMBER LANDOWNER.—The term ‘member landowner’ means a member of the Tribe (or an heir of such a member) that owned land (including land allotted under the Act of February 8, 1887 (24 Stat. 388, chapter 119)) located on the Cheyenne River Sioux Reservation that was acquired by the United States for the Oahe Dam and Reservoir Project.”.

(c) CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.—Section 104 of the Cheyenne River Sioux Tribe Equitable Compensation Act (Public Law 106-511; 114 Stat. 2365) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) FUNDING.—On the first day of the fiscal year beginning after the date of enactment of the Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2006 and on the first day of each of the following 4 fiscal years (referred to in this section as the ‘capitalization dates’), the Secretary of the Treasury shall deposit into the Fund, from amounts in the general fund of the Treasury—

“(1) \$58,144,591.60; and

“(2) an additional amount equal to the amount of interest that would have accrued if—  
 “(A) the amount described in paragraph (1) had been—

“(i) credited to the principal account as described in subsection (c)(2)(B)(i)(I) on the first day of the fiscal year beginning October 1, 2001; and

“(ii) invested as described in subsection (c)(2)(C) during the period beginning on the date described in clause (i) and ending on the last day of the fiscal year before the fiscal year in which that amount is deposited into the Fund; and

“(B) the interest that would have accrued under subparagraph (A) during the period described in subparagraph (A)(ii) had been—

“(i) credited to the interest account under subsection (c)(2)(B)(ii); and

“(ii) invested during that period in accordance with subsection (c)(2)(D)(i).”.

(2) by striking subsection (c) and inserting the following:

“(c) INVESTMENTS.—

“(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the Fund only in interest-bearing obligations of the United States issued directly to the Fund.

“(2) INVESTMENT REQUIREMENTS.—

“(A) IN GENERAL.—The Secretary of the Treasury shall invest the Fund in accordance with this paragraph.

“(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

“(i) PRINCIPAL ACCOUNT.—The amounts deposited into the Fund under subsection (b)(1) shall be—

“(I) credited to a principal account within the Fund (referred to in this paragraph as the ‘principal account’); and

“(II) invested in accordance with subparagraph (C).

“(ii) INTEREST ACCOUNT.—

“(I) IN GENERAL.—The interest earned from investing amounts in the principal account shall be—

“(aa) transferred to a separate interest account within the Fund (referred to in this paragraph as the ‘interest account’); and

“(bb) invested in accordance with subparagraph (D).

“(II) CREDITING.—The interest earned from investing amounts in the interest account, and the amounts deposited into the Fund under subsection (b)(2), shall be credited to the interest account.

“(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

“(i) INITIAL INVESTMENT.—Amounts in the principal account shall be initially invested in eligible obligations with the shortest available maturity.

“(ii) SUBSEQUENT INVESTMENTS.—

“(I) IN GENERAL.—On the date on which the amount in the principal account is divisible into 3 substantially equal portions, each portion shall be invested in eligible obligations that are identical (except for transferability) to the next-issued publicly-issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

“(II) MATURITY OF OBLIGATIONS.—As each 2-year, 5-year, and 10-year eligible obligation under subclause (I) matures, the principal of the maturing eligible obligation shall be initially invested in accordance with clause (i) until the date on which the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly-issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

“(iii) DISCONTINUATION OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in available eligible obligations that are identical (except for transferability) to the next-issued publicly-issued Treasury obligations with maturities of longer than 1 year.

“(D) INVESTMENT OF INTEREST ACCOUNT.—

“(i) BEFORE EACH CAPITALIZATION DATE.—For purposes of subsection (b)(2)(B), amounts considered as if they were in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly-issued Treasury obligations that have maturities that coincide, to the greatest extent practicable, with the applicable capitalization date for the Fund.

“(ii) ON AND AFTER EACH CAPITALIZATION DATE.—On and after each capitalization date, amounts in the interest account shall be invested and reinvested in eligible obligations that are identical (except for transferability) to publicly-issued Treasury obligations that have maturities that coincide, to the greatest extent practicable, with the date on which the amounts will be withdrawn by the Secretary of the Treasury and transferred to the Secretary of the Interior for use in accordance with subsection (d).

“(E) PAR PURCHASE PRICE.—

“(i) IN GENERAL.—To preserve in perpetuity the amount in the principal account, the purchase price of an eligible obligation purchased as an investment of the principal account shall not exceed the par value of the obligation.

“(ii) TREATMENT.—At the maturity of an eligible obligation described in clause (i), any discount from par in the purchase price of the eligible obligation shall be treated as interest paid at maturity.

“(F) HOLDING TO MATURITY.—Eligible obligations purchased pursuant to this paragraph shall be held to their maturities.

“(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the Tribe the results of the investment activities and financial status of the Fund during the preceding calendar year.

“(4) MODIFICATIONS.—

“(A) IN GENERAL.—If the Secretary of the Treasury determines that investing the Fund in accordance with paragraph (2) is not practicable or would result in adverse consequences to the Fund, the Secretary of the Treasury shall modify the requirements to the least extent necessary, as determined by the Secretary of the Treasury.

“(B) CONSULTATION.—Before making a modification under subparagraph (A), the Secretary of the Treasury shall consult with the Tribe with respect to the modification.”.

(3) in subsection (d), by striking paragraph (1) and inserting the following:

“(1) WITHDRAWAL OF INTEREST.—Beginning on the first day of the fiscal year beginning after the date of enactment of the Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2006, and on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw and transfer all funds in the interest account of the Fund to the Secretary of the Interior for use in accordance with paragraph (2), to be available without fiscal year limitation.”.

(4) in subsection (f)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following:

“(3) MEMBER LANDOWNERS.—

“(A) ADDITIONAL COMPENSATION.—

“(i) IN GENERAL.—Except as provided in clause (iii), the plan may provide for the payment of additional compensation to member landowners for acquisition of land by the United States for use in the Oahe Dam and Reservoir Project.

“(ii) DETERMINATION OF HEIRS.—An heir of a member landowner shall be determined in accordance with the probate code governing the estate of the member landowner.

“(iii) EXCEPTION.—During any fiscal year, payments of additional compensation to a member landowner under clause (i) shall not—

“(I) be deposited or transferred into—

“(aa) the Individual Indian Money account of the member landowner; or

“(bb) any other fund held by the United States on behalf of the member landowner; or

“(II) exceed an amount equal to 44.3 percent of the amount transferred by the Secretary of the Interior to the Tribe under paragraph (2).

“(B) PROVISION OF RECORDS.—To assist the Tribe in processing claims of heirs of member landowners for land acquired by the United States for use in the Oahe Dam and Reservoir Project, the Secretary of the Interior shall provide to the Tribe, in accordance with applicable laws (including regulations), any record requested by the Tribe to identify the heirs of member landowners by the date that is 90 days after the date of receipt of a request from the Tribe.”.

(d) ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.—Section 105 of the Cheyenne River Sioux Tribe Equitable Compensation

Act (Public Law 106-511; 114 Stat. 2365) is amended in the matter preceding paragraph (1) by inserting "or any member landowner" after "Tribe".

(e) **EXTINGUISHMENT OF CLAIMS.**—Section 107 of the Cheyenne River Sioux Tribe Equitable Compensation Act (Public Law 106-511; 114 Stat. 2368) is amended to read as follows:

**"SEC. 107. EXTINGUISHMENT OF CLAIMS.**

**"(a) IN GENERAL.**—On the date on which the final payment is deposited into the Fund under section 104(b), all monetary claims that the Tribe has or may have against the United States for the taking by the United States of land and property of the Tribe for the Oahe Dam and Reservoir Project of the Pick-Sloan Missouri River Basin program shall be extinguished.

**"(b) EFFECT OF ACCEPTANCE OF PAYMENT.**—On acceptance by a member landowner or an heir of a member landowner of any payment by the Tribe for damages resulting from the taking by the United States of land or property of the Tribe for the Oahe Dam and Reservoir Project of the Pick-Sloan Missouri River Basin program, all monetary claims that the member landowner or heir has or may have against the United States for the taking shall be extinguished."

Mr. DEWINE. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1535), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

**TO REAUTHORIZE PERMANENTLY THE USE OF PENALTY AND FRANKED MAIL IN EFFORTS RELATING TO THE LOCATION AND RECOVERY OF MISSING CHILDREN**

Mr. DEWINE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 4416, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4416) to reauthorize permanently the use of penalty and franked mail in efforts relating to the location and recovery of missing children.

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4416) was ordered to a third reading, was read the third time, and passed.

Mr. DEWINE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

**MEASURE READ THE FIRST TIME—S. 4110**

Mr. DEWINE. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will please report the bill by title.

The legislative clerk read as follows:

A bill (S. 4110) to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, and for other purposes.

Mr. DEWINE. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

(On Thursday, November 16, 2006, the Senate took the following action:)

**ENDORSEMENT OF FURTHER ENLARGEMENT OF NATO**

Mr. FRIST. I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. 4014 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (S. 4014) to endorse further enlargement of the North Atlantic Treaty Organization.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4014) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4014

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "NATO Freedom Consolidation Act of 2006".

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) The sustained commitment of the North Atlantic Treaty Organization (NATO) to mutual defense has made possible the democratic transformation of Central and Eastern

Europe. Members of the North Atlantic Treaty Organization can and should play a critical role in addressing the security challenges of the post-Cold War era in creating the stable environment needed for those emerging democracies in Europe.

(2) Lasting stability and security in Europe requires the military, economic, and political integration of emerging democracies into existing European structures.

(3) In an era of threats from terrorism and the proliferation of weapons of mass destruction, the North Atlantic Treaty Organization is increasingly contributing to security in the face of global security challenges for the protection and interests of its member states.

(4) In the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note), Congress declared that "full and active participants in the Partnership for Peace in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area should be invited to become full NATO members in accordance with Article 10 of such Treaty at an early date ...".

(5) In the NATO Enlargement Facilitation Act of 1996 (title VI of section 101(c) of title I of division A of Public Law 104-208; 22 U.S.C. 1928 note), Congress called for the prompt admission of Poland, Hungary, the Czech Republic, and Slovenia to the North Atlantic Treaty Organization, and declared that "in order to promote economic stability and security in Slovakia, Estonia, Latvia, Lithuania, Romania, Bulgaria, Albania, Moldova, and Ukraine ... the process of enlarging NATO to include emerging democracies in Central and Eastern Europe should not be limited to consideration of admitting Poland, Hungary, the Czech Republic, and Slovenia as full members of the NATO Alliance".

(6) In the European Security Act of 1998 (title XXVII of division G of Public Law 105-277; 22 U.S.C. 1928 note), Congress declared that "Poland, Hungary, and the Czech Republic should not be the last emerging democracies in Central and Eastern Europe invited to join NATO" and that "Romania, Estonia, Latvia, Lithuania, and Bulgaria ... would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members [and] upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date".

(7) In the Gerald B. H. Solomon Freedom Consolidation Act of 2002 (Public Law 107-187; 22 U.S.C. 1928 note), Congress endorsed "... the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996".

(8) At the Madrid Summit of the North Atlantic Treaty Organization in July 1997, Poland, Hungary, and the Czech Republic were invited to join the Alliance, and the North Atlantic Treaty Organization heads of state and government issued a declaration stating "[t]he alliance expects to extend further invitations in coming years to nations willing and able to assume the responsibilities and obligations of membership ... [n]o European democratic country whose admission would fulfill the objectives of the [North Atlantic] Treaty will be excluded from consideration".

(9) At the Washington Summit of the North Atlantic Treaty Organization in April 1999, the North Atlantic Treaty Organization heads of state and government issued a communiqué declaring "[w]e pledge that NATO will continue to welcome new members in a position to further the principles of